

REMARKS

Claims 29-56 are pending in this application. Claims 29-56 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 29-56 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,097,957 ("Bonta"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Applicant's claims include means for calculating transmission power of a signal that each base station transmits to each of the mobile stations that are radio-linked thereto so that a ratio of reception power of a signal to reception power of interferences converges to a predetermined value, said reception power of a signal being that of a signal that each mobile station receives from a base station radio-linked thereto, said reception power of interferences being that of interferences that

the same mobile station receives from the base station radio-linked thereto and from each of the other base stations converges to a predetermined value. This feature is not present in the Bonta reference.

At the cited portion of Bonta, disclosed is a system that determines an interference based on a communication threshold between a mobile communication unit and a plurality of base stations in a coverage area. The interference-based communication threshold is the probability that a communication can be sustained between the mobile unit and the fixed communication unit. A computer is used to generate an image indicating the most probable server for the mobile unit based on the interference based communication threshold determined from the interference-based communication threshold input data. Bonta merely discloses that there exists a threshold interference power level must be met or exceeded so that a communication will be sustainable. There is no disclosure of a ratio of reception power of a signal to reception power of interferences converging to a predetermined value. As such, the means for calculating transmission power is not disclosed in Bonta.

Additionally, column 3, lines 12-31, fails to disclose the claimed “means for calculating reception power of a signal received by an additional evaluation mobile station placed on the map ... to which the additional evaluation mobile station is radio-linked.” As discussed above, Bonta discloses using a computer to determine the most probable server for a mobile station based on an interference threshold. Bonta fails to disclose the above recited limitation.

Likewise, Applicant's method claims recite calculating transmission power of a signal that each base station transmits to each of the mobile stations that are radio-linked thereto so a ratio reception power to reception power of interference converges to a predetermined value. As discussed above, this feature is not disclosed in Bonta. Therefore, Applicant respectfully request reconsideration and withdrawal of the rejection of the pending claims based on Bonta.

Claims 30-35 depend from, and contain all the limitations of claim 29. These dependent claims also recite additional limitations which, in combination with the limitations of claim 29, are neither disclosed nor suggested by Bonta and are also believed to be directed towards the patentable subject matter. Thus, claims 30-35 should also be allowed.

Claims 37-42 depend from, and contain all the limitations of claim 36. These dependent claims also recite additional limitations which, in combination with the limitations of claim 36, are neither disclosed nor suggested by Bonta and are also believed to be directed towards the patentable subject matter. Thus, claims 37-42 should also be allowed.

Claims 44-49 depend from, and contain all the limitations of claim 43. These dependent claims also recite additional limitations which, in combination with the limitations of claim 43, are neither disclosed nor suggested by Bonta and are also believed to be directed towards the patentable subject matter. Thus, claims 44-49 should also be allowed.

Claims 51-56 depend from, and contain all the limitations of claim 50. These dependent claims also recite additional limitations which, in combination with the limitations of claim 50, are neither disclosed nor suggested by Bonta and are also believed to be directed towards the patentable subject matter. Thus, claims 51-56 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Docket No.: Y1929.0080

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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